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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,489	02/26/2002	Gary Dommer	65551-011910	4913
7590	07/27/2006		EXAMINER	
Patent Administrator Greenberg Traurig, LLP One International Place Boston, MA 02110			WILDER, PETER C	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/085,489	DOMMER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Peter C. Wilder	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
  - 4a) Of the above claim(s) 19-21 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 February 2002 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

The previous action filed on 7/13/2006 is being withdrawn after a phone call from the applicant on 7/21/2006 regarding the primary reference which is now being considered as a 102(b).

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-18, drawn to displaying of information, classified in class 725, subclass 37.
- II. Claims 19-21, drawn to indexing of information, classified in class 715, subclass 854.

The inventions are distinct, each from the other because of the following reasons:

Inventions claims 1-18 and 19-21 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as the method displaying the data in a first and second display

view. Subcombination II has separate utility such as a way to reference information in memory. See MPEP § 806.05(d).

During a telephone conversation with Chinh Pham on July 6, 2006 a provisional election was made without traverse to prosecute the invention of Representation of EPG programming information, claims 1-18. Affirmation of this election must be made by applicant in replying to this Office action. Claims 91-21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "4" has been used to designate both the shaded region/channel in Figure 1 and the unshaded region/channel in Figure 2. It is also unclear to the relationship between the shaded region/channel and TV view element 2 which according to the dotted lines appears only to be part of the shaded region/channel. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: On page 5 line 15 a reference is made to third axis 10 and which is interpreted as being in Figure 1 or possibly Figure 2 which is declared in the following sentence, but element 10 is not located in Figures 1 or 2. Instead element 10 is identified in Figure 3 which is stated in the specification in the next paragraph. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claims 1-7 are objected to because of the following informalities: The word characterized is misspelled. The applicant spelled the word "characteri's'ed."

Appropriate correction is required.

Claims 2, 8, and 17 objected to because of the following informalities: The word program is misspelled. The applicant spelled the word "program'me".

Appropriate correction is required.

Claim 15 is objected to because of the following informalities: The word "relating" is typed twice in a row.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Alexander et al. (U.S. 6177931 B1).

Referring to claim 1, Alexander teaches an interactive graphics interface for display on a television screen said graphics interface generated from a plurality of data fields and characterized in that the graphics interface has at least three navigational axes, comprising a first display which displays a portion of one of the data fields and allows user navigation along X (Figure 2 elements 32 and 34) and Y (Figure 2 elements 28 and 30) axis of the same (Figure 1 teaches element 22, Figure 2, and Column 4 lines 49-61 teaches a grid and the moving around using arrow keys) and a second display portion in the form of graphical icon which represents a number of said resident based applications (Figure 1 element 20) effectively allows navigation along the Z axis of said, applications (Column 3 lines 1-36 teaches element 20 and its ability to be navigated and Figure 6 teaches the navigation bar has been modified by the selection/highlighting of the schedule function/application; Element 20 is considered a navigational axis in the Z direction because it allows navigation of data fields which can be seen by comparing Figures 1 and Figure 8 by examining element 20; Column 9 lines 60-67 and Column 10 lines 1-12 details the watch/schedule application which teaches the Z axis can modify what is displayed in element 22).

Referring to claim 2, depending on claim 1, Alexander teaches an interface characterized in that the first and second display portions are generated as an electronic program guide (EPG) on a display screen (Figure 1 and Column 3 lines 1-20).

Referring to claim 3, depending on claim 1, Alexander teaches an interface characterized in that the navigation along the second display portion allows the selection of the data field from which the first display is generated (By comparing figures 1 and 6 one can see by selecting the "GRID" in second display portion 20 element 22 in Figure 1 a display of channel by time program grid is displayed in first display portion element 22 of Figure 1, Figure 6 teaches that "SCHEDULE" is selected in second display portion and in the same area of element 22 in Figure 1 a "WATCH/RECORD SCHEDULE is displayed in first display portion).

Referring to claim 4, depending on claim 1, Alexander teaches an interface characterized in that each of the three axes are selectively navigable by the user via a user input device (Figure 2 and Column 3 lines 20-36).

Referring to claim 5, depending on claim 4, Alexander teaches an interface characterized in that the input device is a remote control device (Figure 2 and Column 3 lines 20-36).

Referring to claim 6, depending on claim 1, Alexander teaches an interface characterized in that navigation along a selected axis allows a definable range of options to be selected, said option range indicated as part of the EPG display (Column 4 lines 49-56 teaches allowing movement in the x (time)-y(channel) axis in the EPG grid element 22 of Figure 1 and Column 8 lines 18-35 teaches EPG schedule data is

downloaded to the memory of the viewers system thus all the channels for a given time frame would be in the system and since a infinite number of channels does not exist a viewer could only scroll down a definable range of channels/options in the y(channel) axis).

Referring to claim 7, depending on claim 5, Alexander teaches an interface characterized in that navigation along each of the axes can be achieved by use of conventional key selections on the remote control device (Column 4 lines 49-61 and Figure 2).

Referring to claim 8, Alexander teaches a method for displaying an interactive graphics interface on a display screen (Figure 1) comprising:

receiving data organized in a plurality of data fields wherein the plurality of data fields are related to at least three navigational axis (Figure 1 elements 22 and 20, Column 3 lines 1-20, Column 4 lines 49-62, and Figure 8 teach three navigational axis; The navigation of element 22 by the arrow keys in the left-right and up-down directions teach two navigational axis, and the adjustment of element 20 which can be seen by comparing Figures 1 and 8 teach the third navigational axis; The data fields which correlate to axes include: time, channel, and program type/theme; Through these teachings it is inherent that the programs are organized into data fields at a head-end and transmitted and thus received at a viewers station or else when the EPG receives the programs/data the EPG would not know where to place the program in the EPG);

displaying in a first display view data organized in a first and a second navigational axis (Figure 1 element 22); and  
displaying in a second display view data organized in a third navigational axis (Figure 8), wherein the data organized in the third navigational axis is related to data organized in the first and the second navigational axis (Figure 8 and the adjustment of element 20 in relation to Figure 1 teaches the third navigational axis).

Referring to claim 9, depending on claim 8, Alexander teaches the method wherein the first display view is visually represented as an almanac with at least one tab related to at least one page in the Z axis (Figure 1 and Column 4 lines 57-62 teach element 20 the Z axis or navigational bar which has tabs on it that represent pages in the EPG, example: "GRID").

Referring to claim 10, depending on claim 9, Alexander teaches the method further comprising:  
receiving an input from a user selecting at least one tab (Column 4 lines 57-62);  
and

indicating in the second display view motions and choices in a direction of the Z axis (Figure 8 teaches the second display view where the viewer made choices in the direction of the Z axis).

Referring to claim 11, depending on claim 8, Alexander teaches the method wherein the first display view and the second display view is generated as an electronic programme guide (EPG) on the display screen (Column 3 lines 1-20).

Referring to claim 12, depending on claim 8, Alexander teaches the method of further comprising:

navigating along data organized in the second display view (Figure 8 teaches programs in and the program “On Golden Pond” is highlighted so the user can maneuver around on the display); and

selecting the data organized in the third navigational axis which is related to the data organized in the first and/or second navigational axis (Column 4 lines 48-62 teaches the concept of selecting a program and Figures 1 and 8 show the program “On Golden Pond” in both grid areas).

Referring to claim 13, Alexander teaches a method for displaying an interactive graphics interface on a display screen comprising:

receiving data relating to X and Y axis information for displaying on the display screen (Figure 1 element 22 teaches programs with data relating to time (X axis) and channel (Y axis) and Column 8 lines 18-35 teaches receiving data about the program schedule);

receiving data relating to Z axis information for displaying on the display screen

(Figure 1 element 20 and Column 4 lines 57-62 teach a Z axis (navigational bar) which has information/programs organized by theme according to Figure 8 and Column 8 lines 18-35 teaches receiving data about the program schedule);

displaying in a first display view within the display screen data relating to X and Y axis information (Figure 1 element 22 teaches first display view data which programs organized by time (X-axis) and channel (Y-axis)); and

displaying in a second display view within the display screen data relating to the Z axis information (Figure 1 and Figure 8 teach navigation along the Z-axis), wherein the data relating to the Z axis information is related to the data relating to the X and/or Y axis information (The program “On Golden Pond” which is organized by movie/theme in Figure 8 and time and channel in Figure 1).

Referring to claim 14, depending on claim 13, Alexander teaches the method wherein the data relating to the Z axis information is allocated to show and allow selection of a range of viewing options for the data relating to the X and/or Y axis information (Figure 8 teaches a range of viewing options which can be selected for viewing and all programs in Figure 8 are included in Figure 1 element 22, Column 4 lines 48-62 teaches the selection and navigation methods).

Referring to claim 15, depending on claim 13, Alexander teaches the method of further comprising:

receiving commands from a user to navigate within the data relating to the X and/or Y axis information and the data relating to the Z axis information (Column 4 lines 48-62); and

mapping movement along the data relating to the Z axis information to movement in the data relating to the X and/or Y axis information (Figures 1 and 8 teach movement along the z-axis of information and the data relating to the X-Y axis information changes).

Referring to claim 16, depending on claim 13, Alexander teaches the method further comprising:

receiving commands from a user to navigate in a direction through data relating to the Z axis information which results in changing the choices in the first display view (Figures 1 and 8 teach navigating along the z-axis of information and the data relating to the X-Y axis information changes).

Referring to claim 17, depending on claim 13, see rejection of claim 11.

Referring to claim 18, depending on claim 13, Alexander teaches the method further comprising:

navigating along data organized in the second display view (Figure 8 and Column 4 lines 48-62 teach navigating along data in the second display view); and

selecting the data relating to the Z axis information which is related to the data relating to the X and/or Y axis information (Figure 8 teaches "On Golden Pond" is highlighted and the same program is in Figure 1 element 22).

***Conclusion***

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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